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THE CONSILIA OF BALDUS DE UBALDIS

by

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Baldus de Ubaldis († 1400) left an impressive legacy. Although he is best known for his commentaries on Roman law, he also wrote tracts on specialized legal topics, a *lectura super usibus feudorum*, a partial commentary on the Decretals of Gregory IX, short, perhaps preliminary, *Lecturae* on the Sext and Clementines¹, and a remarkable number of *consilia*². At the end of the fifteenth century, three different editions of his *consilia*, interspersed with *consilia* of other jurists, were printed almost simultaneously in Brescia, Venice and Milan. All three printings are quite rare, and, consequently, scholars have not given them the attention they deserve³.

Boninus de Boninis Ragusius Dalmatini supervised the first edition printed in four volumes at Brescia between July, 1490 and February 1491⁴. He wrote in a prefatory letter, dated March, 1491⁵:

* My thanks to Professors Manlio Bellomo and Domenico Maffei for reading this essay with care and for providing me with information on a number of points.

1. See appendix III below.

2. On Baldus see Georges Chevrier, *Baldi de Ubaldis*, in *Dictionnaire de droit canonique* 2 (1937) 39-52; Savigny, 6.208-48. Domenico Maffei, *Su alcuni nodi della biografia di Baldo degli Ubaldis* in *Giuristi medievali e falsificazioni editoriali del primo Cinquecento* (Ius commune, Sonderhefte 10; Frankfurt a.M. 1979) 71-74; Gero Dolezalek, *I commentari di Odofredo e Baldo alla Pace di Costanza (1183)* in *Atti del Convegno internazionale tenuto a Milano e Piacenza, 27-30 aprile 1983* (Bologna 1985) 59-75; S. Fodale, *Baldo degli Ubaldis difensore di Urbano VI e signore di Biscina* in *Quaderni medievali* 17 (1984) 73-85, and, most recently, the study of his political thought by Joseph Canning, *The Political Thought of Baldus de Ubaldis* (Cambridge Studies in Medieval Life and Thought, 4th Series, vol. 6; Cambridge 1987).

3. In his supplement to Hain, J.A. Copinger no. 819 lists an edition of *Consilia quaedam* (Cologne 1477) of 20 folios; he noted a copy in the University Library at Halle.

4. Hermann Lange, *Die Consilien des Baldus de Ubaldis († 1400)* (Abhandlungen der Akademie der Wissenschaften und der Literatur, Mainz, Geistes- und sozialwissenschaftlichen Klasse 12; Wiesbaden 1973) 18, thinks that Baldus was responsible for the division of his *consilia* into five volumes.

5. *Partes consiliorum primae-quartae* (4 volumes; Brescia 1490-1491) (Hain *2330); Lange, *Consilien* 18, notes that 926 *consilia* were printed in the Brescia edition, taking this number from Ernst Stampe, *Das Zahlkraftrecht der Postglossatorenzeit* (Abhandlungen der preussischen Akademie, Phil. Hist. Klasse 165; Berlin 1928) 24 n. 1, who saw only the first two parts of the Brescian edition of 1490 at the University Library at Greifswald, hence 926 *consilia* (if he had added correctly, 924). The Brescian volumes number (which means, since some are not numbered and other numbers are skipped, that the numbered *consilia* can only roughly give us the number of *consilia* in the volumes) in part 1: 453, part 2: 471, part 3: 448, part 4: 503. I have seen copies of volumes 1 and 2 in Munich, Staatsbibliothek and a complete copy (including the later part 5: 172 *consilia*) in Vienna, Nationalbibliothek. *Indice generale degli incunaboli delle biblioteche d'Italia* 5 (Rome 1972) lists copies in nine Italian libraries. There is also a copy in Grenoble, Bibl. mun., and,

Verum enimvero haud parvam huiusce muneris atque officii laudem gratiamque videor mihi summo iure posse vindicare, qui nunc, ut que antehac ad communem liberalium studiorum utilitatem contulerim, <c>ommittam quatuor hec preclara ingentiaque Baldi Perusini volumina multis, sed et multo meo cum sumptu atque labore, exemplis quam accuratissime quamque fieri potuit emendatissime impressa proposui.

His efforts may have been herculean, but they were not well received. Angelus Britannicus and his brother Jacobus decided within months that a new edition was needed. Angelus criticized the Brescian edition in his prefatory letter of the Venetian printing⁶:

Arbitror te inscium non esse in hac nostra florentissima urbe Brixia Baldi Perusini iurisconsulti celeberrimi consilia hoc anno impressa fuisse in quibus sive correctoris incuria sive impressorum, quod credibilius est, negligentia qui ut scis non modo litteras et syllabas invertere sed et dictiones immutare ... Nostre civitatis iurisconsulti ... hortati sunt me ut opus rursus curarem.

At the end of his letter, Angelus listed four improvements that he made to the Brescian edition: 1. The addition of 178 *consilia* in a fifth volume⁷; 2. A table of incipits; 3. 'Additiones' or 'Rubrice'; 4. The correction of twenty thousand errors(!)⁸. The Venetian edition was printed between February and June of 1491 and follows the arrangement of the Brescian edition⁹. The printers in Brescia were quick to take advantage of Angelus's initiative. In December, 1491 they printed a fifth volume of *consilia* based on the Venetian printing¹⁰.

Then in 1489–1493, according to the dates printed at the end of the first and last volumes, Leonardus Pachel issued an expanded edition of Baldus's *consilia* in Milan¹¹. However, this edition could not have been printed in 1489 because the editor included many new *consilia* not included in the Brescian and Venetian

presumably, a copy of parts one and two may still be in Greifswald. Canning, *Baldus de Ubaldis* 12, cites a complete copy of this edition from the library of Gonville and Gaius College in Cambridge. On the Brescian edition see P. Veneziani, *La tipografia a Brescia nel XV secolo* (Florence 1986) 77-78.

6. *Partes consiliorum primae-quintae* (5 vols; Venice 1491) (Hain *2329). Hain lists only parts 1, 2, and 5. I have located the entire edition in Eichstätt, Universitätsbibliothek (Signature: D I 958-960; in 3 volumes). Further copies can be found in Lucca, Bibl. cap., Treviso, Bibl. com., and Rome, Bibl. naz. Parts 1 and 2 are in Munich, Cambridge, Harvard Law Library, and the Library of Congress, Washington, D.C.; parts 3-5 are in Augsburg, Staatsbibl. and Modena, Bibl. Estense.

7. Volume five actually contains 171 numbered *consilia*; the index to volume 5 lists 179.

8. Stampe, *Zahlkraftrecht* 24-33, printed five *consilia* from the Frankfurt 1585 edition and collated them with the Brescian edition. As his notes demonstrate, there are, in fact, many mistakes in the Brescian edition. Cf. Canning, *Baldus de Ubaldis* 13.

9. Except for slight differences in the numbering of *consilia*; parts 1 and 2 are the same; part 3: 450, part 4: 502.

10. (Hain *2330); See Veneziani, *La tipografia* 100. According to the colophon, Boninus did not participate in the printing of the last volume: 'Consiliorum quinta pars nuperrime elucubrata ac diligenti castigatione emendata cum ipso originali collatione habita per D. presbyterum Baptistam de Farfengo. Brixie impressa die xvii. men. Dec. Mccclxxxii'. I have located the fifth volume in three libraries: Vienna, Nationalbibliothek (Signature: Ink. 11.B.5), Mantua, Bibl. com. and Padua, Bibl. univ.

11. *Partes consiliorum primae-quintae* (5 vols. Milan 1493) (Hain 2328). This edition seems to be even more rare than the first two. There are complete copies in Munich (2 copies of part 1; a single copy of 2-5) and Vienna, Nationalbibliothek, signature Ink. 10.B.18, and incomplete copies in Namur, Sémin., Madrid, Bibl. nac.; part 1 and 2 in

collections, marking those with a Greek cross in the list of incipits not heretofore printed. The cross is not absolutely accurate, but, by and large, the *consilia* not found in the Brescian-Venetian editions are so marked, while all others are not. Ludovicus Peregrus, who wrote an introductory letter to Pachel's edition, mentioned that he had seen earlier editions¹² and Pachel himself at the end of his edition called Boninus's edition the first¹³. Since there were no printings before 1490, the 1489 is a mistake; Pachel's entire edition must date between 1492 and 1493. Pachel wrote in the rubric preceding the list of incipits at the beginning of his edition:

Nos vero ea habuimus Rome ex codicibus reverendissimi d.d. cardinalis Sabelli qui cum longo tempore legationis Perusine officio fungeretur ab ipsius Baldi nepotibus copiam sumpsit.

Pachel had received copies of the *consilia* from Nicolaus Antiquarius, a medical doctor, who had obtained them from Giovanni Battista Cardinal Savelli. Antiquarius was a native of Perugia. According to his prefatory letter in the Milan edition, the grandsons of Baldus had given their copies of Baldus's *consilia* to Savelli, who had them copied and arranged in four volumes (perhaps the model for the Brescian-Venetian editions). Because friends of Savelli had given them to printers who produced inferior editions, Antiquarius obtained Savelli's permission to negotiate a proper printing¹⁴.

Itaque cum non solum meruisset a Perusinis obsequium verum etiam statuas et cetera benegestorum insignia inter alias curas Baldi quoque eterne memorie iurisperiti libros, si quos ille occultius scripsisset ab Petro Juliotto atque Antonio pronepotibus eius . . . conquisivit. Neque magis letari unquam visus est, quam cum illius viri consilia in triginta sex amanuenses¹⁵ – ut ita dixerim – libros congesta consequutus est, que statim in quatuor volumina exscribi curavit . . . Qua re petii pro clientele mee iure et pro patrie merito ab ipso Sabello ut integra volumina mihi per eum liceret impressoribus tradere.

If Savelli's manuscripts could be traced, they might shed much light on the genesis of the printed editions¹⁶.

Savelli and other members of the Savelli family were important figures in the

Washington, D.C., The Library of Congress; parts 3-5 in Aberdeen, University Library; part one in Rome, Bibl. naz. and Cambrai, Bibl. mun.

12. Vincenzo Bini, *Memorie storiche della Perugina Università degli studi e dei suoi professori* (Perugia 1816) 129, records a printing in Padua 1486. There is no evidence of its existence.

13. He wrote: 'Consilia infrascripta numero xxii. non sunt stampata in prima impressione consiliorum Baldi facta Brixie per Boninum de Bononis, sed solummodo ista fuerunt addita in secunda impressione facta per Angelum et Jacobum de Britannicis'.

14. (Hain 2328), vol. 1, unfoliated (see note 11 for details).

15. 'Amanuenses libros' must mean manuscript, not printed, books. Professor Feenstra has suggested that 'triginta sex' could have the same meaning as the French 'trente-six', that is a 'great many'. Savelli may have had access to a collection of Baldus's consilia written for specific cases and confirmed with his seal. These might not have been bound together. Contemporary examples of such consilia are found today in many Italian libraries: e.g. Florence, Bibl. naz. Magliabecchi 173.

16. Canning, *Baldus de Ubaldis* 14, briefly describes Lucca, Biblioteca Feliniana Capitolare 351.

fifteenth-century Perugia. Pope Pius II sent Giovanni as Protonotario apostolico to Siena in 1466. He held this position until 1468¹⁷. Upon his arrival in Perugia he undertook the task of repairing the aqueduct supplying water to the city and the fountain in the piazza¹⁸. Pius also entrusted matters touching the governance of the university to him, granting him the right to determine professorial salaries in 1466 and the responsibility of reforming the *Studium* in 1467¹⁹. Although there is no evidence for Savelli's having attended law school, from his interest in Baldus's *consilia* and in university affairs, one may probably assume that he studied law. Pope Sixtus IV elevated him to the cardinal-deaconate of SS. Vito and Modesto in 1480 and transferred him to S. Nicolas in Carcere in 1483. At the time he became cardinal he was also given the office of papal legate to the province of Perugia. His relationship with people of Perugia remained particularly good. Upon his elevation to the cardinalate, the city granted Savelli and his family a number of honors²⁰. It is not surprising that the descendants of Baldus would have entrusted their manuscripts to him.

The Milanese printing differs considerably from its two predecessors. It is not possible to discern any other order, thematic or chronological, in the arrangement of the *consilia* in the first two printings. Pachel completely rearranged the *consilia* for his new edition, but he too did not impose any discernable pattern. Most of the rearrangement may simply be the result of wishing to have 500 *consilia* in each part. The question remains open whether Pachel changed the order of the Brescian and Venetian editions to conform to the order he found in manuscripts that Antiquarius gave him. Only one manuscript of Baldus's *consilia* has been completely analyzed. There the *consilia* follow more closely the arrangement of the Brescian-Venetian edition²¹. Pachel added a substantial number of new *consilia*. The Brescian-Venetian printing contained ca. 2050 *consilia* (some, however, are not numbered), while the Milanese added ca. 468 (with the same caveat)²². Only one later sixteenth-century edition added anything to the Milanese collection²³; a seventeenth-century *liber sextus* of his *consilia* increased the number of printed *consilia* moderately (see Appendix II).

The crucial point is, and this accounts for the importance of the Brescian-Venetian editions, that a significant number of *consilia* in these editions are not reprinted in the Milanese. Later printers decided that the Milanese edition was more complete than the Brescian-Venetian and after 1493 published only its

17. Giuseppe Ermini, *Storia della università di Perugia* (Bologna 1947) 174-75.

18. Reported by Pompeo Pellini, *Dell'istoria di Perugia* (Venice 1664; reprinted in *Historiae urbium et regionum Italiae rariores* 15; Bologna 1968) II 686.

19. Printed by Bini, *Memorie istoriche* 608-609.

20. Pellini, *Historia* II 785-86. See also Ferdinand Gregorovius, *Geschichte der Stadt Rom im Mittelalter vom V. bis zum XVI. Jahrhundert* (München 1978) III 127, 129, 150.

21. T.M. Izbicki and J. Kirshner, *Consilia of Baldus of Perugia in the Regenstein Library of the University of Chicago*, *Bulletin of Medieval Canon Law*, New Series 15 (1985) 95-115. If the editors had known of the Brescian-Venetian edition, it would have been a great help to them (see Appendix IV below).

22. Lange, *Consilien* 18, counted 83 *Consilia* that were not included in the numbering of the Milanese edition.

23. An edition printed in Lyon 1559, under the editorship of Matthaeus Antonianus published a *consilium* at the end of book 4. He noted: 'Hoc responsum numquam antea editum a me vero ex sterquilinio nostri Marchi desepultum'. The *consilium* begins: 'Ad evidenciam premittendum est cum queritur an ille qui intulit alicui aliquod vulnus'.

order and form. All the sixteenth-century editions follow the Milanese model, although the earlier editions were not entirely forgotten²⁴. Thomas Diplovatatus did have a copy of either the Brescian or the Venetian edition in his library and cited *consilia* from it in his lives of Baldus and Hostiensis²⁵.

Scholars studying Baldus's *consilia* have been unaware of a number of printed *consilia* found only in the Venetian-Brescian editions and also have not known that Baldus seems to have revised some of his *consilia*. For example, a *consilium* found at the end of part one (Book 1, *consilium* 453) in the Brescian-Venetian editions, which is important for Baldus's political theory, begins:

Rex Romanorum in principatum et ducatum creavit, fecit, et erexit de plenitudine potestatis et ex certa scientia multas et multas civitates Lombardie cum omnibus suis diocesis districtibus et comitatibus et marchionatibus; creata itaque dicta illustrissima dignitate de eadem et de his omnibus plenissime providit, intitulavit, et concessit in feudum nobilissimi et illustrissimi ducatus serenissimum principem et dominum, dominum Joannem Galeam, nonnullas ex his civitatibus et diocesis tenentem . . . mandans ut omnes . . . tenentes aliqua feuda . . . recipiant et recognoscant ab ipso . . . Joanne . . . adiecta finali clausula non obstantibus quibuscumque legibus infeudationibus.

Baldus was not, however, dealing here with a specific case. He then posed the question:

Modo presupponitur quod quidam nobilis ex vicariatu vel concessione imperatoris tenet quandam civitatem que non est inserta privilegio dicti domini, cum parte cuiusdam diocesis existentis in territorio cuiusdam alterius civitatis ei concesse. Queritur utrum illa verba de diocesis referantur ad diocesis civitatum non concessarum ut sic diocesis in illa parte remaneat sub priori domino . . . An vero translata sit in iurisdictionem et potestatem dicti principis . . . ita quod tenentes debeant ab ipso recognoscere et relaxare secundum suum beneplacitum.

This entire text is found at the beginning of two different *consilia* in Brescia-Venice: 1.453 and 3.279. However, from '*beneplacitum*' the texts differ substantially. In 1.453, Baldus states that he wants to distinguish between royal *potestas* and *voluntas*. In 3.279, he asks a completely different question: does the king of the Romans have the same authority as the emperor? After this discussion in 3.279, the text then continues as in 1.453. It seems that 3.279 is a later re-working of 1.453. But, the Milanese edition prints only 3.279 (Book 1.327) and omits the earlier text. Quite likely Pachel, noticing that the beginning

24. Campitelli and Liotta, *Notizia* p. 391 n. 24 examined the editions of Venice 1526, Milan 1543, Lyon 1548, Venice 1575, Venice 1580, Frankfurt 1589, Venice 1608. I have also seen Trino 1516, Lyon 1540, Lyon 1559. I have not been able to find any trace of an edition printed in Pavia 1499 recorded by Bini and Mazzuchelli and mentioned by Campitelli and Liotta. This may be a volume of Angelus de Ubaldus's *consilia* published in Pavia 1499 (Hain 15866).

25. In his life of Baldus, *De claris iuris consultis*, ed. F. Schulz, H. Kantorowicz, G. Rabotti (Studia Gratiana, 10; Bologna 1968) 302: 'Et vide de Baldo in consiliis Baldi in consilio 287 incipit 'Comes Bellimontis' in 3. volumine in fine < = Brescia-Venice 3.289, Milan 1.337 >'. Also in his life of Hostiensis, p. 143: Brescia-Venice 2.166 = Milan 4.500. Cf. Canning, *Baldus de Ubaldus* 13.

paragraphs were exactly the same, assumed that the *consilium* was a doublet.

Much work remains to be done on Baldus's *consilia*. The most pressing need is a list of incipits for the *consilia*, both those printed in editions of the fifteenth to seventeenth centuries and in modern times (see Appendix 1 below). None of the sixteenth-century printings I have seen reproduced the lists of the Milanese edition, and I am compiling a list of incipits based on the Venetian and Milanese editions. A much larger task that must someday be undertaken is a thorough examination of Baldus's *consilia* preserved in manuscripts²⁶. Legal historians have not yet undertaken the work of comparing the printed editions of *consilia* to the manuscripts²⁷. This is an enormous task, but necessary if we are to understand and to use to best advantage this enormous body of literature.

Appendices

1. Bibliography of Baldus's Printed Consilia

Outside the great medieval collections of Baldus's *consilia*, I have noted *consilia* published in the following articles: Guido Bonolis, *Due consigli inediti di Baldo degli Ubaldi* in *Diritto commerciale* 21. 5-6 (1903) 641-72, 833-66, printed from Biblioteca Capitolare di Lucca MS 351, texts at 861-66; idem, *Questioni di diritto internazionale in alcuni consigli inediti di Baldo degli Ubaldi: Testo e commento* (Pisa 1908), 9 *consilia* from the Lucca manuscript, texts pp. 145-94; idem, *La condizione degli oblati secondo un consiglio inedito di Baldo degli Ubaldi* in *Studi storici e giuridici dedicati ed offerti a Federico Ciccaglione* (Catania 1909), vol. 1, 274-310, 2 *consilia* from the Lucca manuscript, pp. 306-10; Max Gutzwiller, *Aus den Anfängen des zwischenstaatlichen Erbrechts: Ein Gutachten des Petrus Baldus de Ubaldis im 1375* in *Zum schweizerischen Erbrecht, Festschrift zum 70. Geburtstag von Prof. Dr. Peter Tuor* (Zurich 1946) 145-78 (reprints and translates a *consilium* in Brescia-Venice 3.309, Milan 1.357); J. Kirshner, *Messer Francesco di Bici degli Albergotti d'Arezzo, Citizen of Florence (1350 – 1376)* in *Bulletin of Medieval Canon Law, New Series* 2 (1972) 84-90; idem, 'Ars imitatur naturam', *A Consilium of Baldus on Naturalization in Florence* in *Viator* 5 (1974) 289-331; idem and J. Pluss, *Two Fourteenth-Century Opinions on Dowries, Paraphernalia and Non-Dotal Goods* in *Bulletin of Medieval Canon Law, New Series* 9 (1979) 65-77; J.A. Pluss, *Reading Case Law Historically, A*

26. Patrick Lally has kindly informed me that a large collection of Baldus's *consilia* is contained in Vat. Barb. Lat. 1396, 1398 – 1412. Further research might reveal whether these or other manuscripts belonged to Savelli. Bini, *Memorie storiche* 129, mentions manuscripts in Biblioteca del Seminario di Foligno, Biblioteca Feliniana di Lucca, Biblioteca pubblica di Perugia, Biblioteca regia di Torino, and Biblioteca Oliveriana di Pesaro. They remain in these cities. The manuscripts of Baldus's *consilia* are listed by Gero Dolezalek, *Verzeichnis der Handschriften zum römischen Recht bis 1600* (Frankfurt 1972).

27. A recent, welcome exception to this generalization is Ingrid Baumgärtner, *Martinus Garatus Laudensis, Ein italienischer Rechtsgelehrter des 15. Jahrhunderts* (Dissertationen zur Rechtsgeschichte 2; Köln 1986) who compares Garatus's printed and manuscript *consilia*. Mario Ascheri has examined the problems of working with *consilia* in *I Consilia dei giuristi medievali, Per un repertorio-incipitario computerizzato* (Siena 1982).

Consilium of Baldus de Ubaldis on Widows and Dowries in *American Journal of Legal History* 30 (1986) 241-65; Jolande Rummer, *A Fourteenth-Century Legal Opinion* in *The Quarterly Journal of the Library of Congress* 25 (1968) 178-93. D. Quagliani, *'Inter Iudeos et Christianos commertia sunt permissa', 'Questione ebraica' e usura in Baldo degli Ubaldi (c. 1327-1400)* in *Aspetti e problemi della presenza ebraica nell'Italia centro-settentrionale (secoli XIV-XV)* (Quaderni dell'Istituto di Scienze storiche dell'Università di Roma 2; Rome 1983) 273-305, one *consilium* edited from Vat. lat. 2289 and 10726.

III. Liber Sextus of Baldus's Consilia

A. Campitelli and F. Liotta, *Notizia del Ms. Vat. lat. 8069* in *Annali di storia del diritto* 5-6 (1961-62) 387-406 at 391 n. 24, noted a seventeenth-century edition of Baldus's *consilia* (Venice 1602) labeled 'Liber sextus'. It is quite rare. Professor Liotta has written to me that he used a copy in the Vatican Library (E.E.V. 65), and Professor Maffei has informed me that copies can be found in the following libraries: 1. Università Bari, Istituto di Storia del Diritto Italiano; 2. Bologna, Biblioteca comunale dell'Archiginnasio; 3. Università Milano, Istituto di Storia del Diritto Italiano. In his article, *La biblioteca di Gimignano Inghirami e la 'Lectura Clementinarum' di Simone de Borsano* in *Proceedings of the Third International Congress of Medieval Canon Law, Strasbourg*, ed. S. Kuttner (Monumenta iuris canonici, series C, 4; Vatican City 1971) 217-236 at 227-28 n. 33-34, Maffei had observed that it was probable that the editor (Flavius Tortus) published a supplement to the five standard volumes and called it 'Liber sextus'. He also noted that relatively few of *consilia* in this edition are attributed to Baldus; further, an earlier printing of a 'Liber sextus' may have been made in Pavia 1597; cf. G. Saporì, *Antichi testi giuridici (secoli XV-XVIII) dell'Istituto di Storia del Diritto Italiano, Milano* (Milan 1977) nr. 3058 (p. 627) and A.G. Cavagna, *Libri e tipografi a Pavia nel Cinquecento* (Fonti per la storia della Università Pavia 3; Milan 1981) 302, nr. 600 (my thanks to Professor Maffei for this information).

III. Baldus's Canonistic Works

Baldus wrote an incomplete Commentary to the Decretals of Gregory IX that ends at X 3.2.8, but skips some early sections. In book two his text presents particular problems. There is a lacuna from X 2.1.12 to 2.4.1, in medio. His commentary to 2.4.1 begins in midstream, with a citation, 'Iudex, lege Consentaneum, ibi "Incontinenti"', <Cod. 7.43.8> as if a portion of his text had been lost. The printer of the Milan 1478 edition wrote: 'Hic deficit Lectura Baldi . . . unde autem hoc proveniret ignoratur. Sed vitio et culpa primi scriptoris tribuendum censemus, cum in lecturis antiquis illa dictio 'Iudex' ita praecedentibus sit connexa, ut nil novi inducere videatur, quod non nisi scribentis errore factum fuisse iudicandum est'. There is another jump from X 2.13.11 to 2.14.4. At this point the transition is clear in the printed edition, but in Munich, Staatsbibl. Clm 3629, a manuscript of Baldus's Commentary to Books 2 and 3 of the Decretals, on fol. 58r-v, with unnumbered blank folia inserted between, and on fol. 59r-63r,

there are two fragments of Baldus's Commentary. Fol. 58r-v: 'ut erat in casu illius, quando extraneus erat institutus et gravatus . . . non habet locum dicta lex, Omnimodo'. Fol. 59r-63r: 'c. Petimus <C.11 q.1. c.19?> l. Si pretor, de inst. <Cod. 625.4 (Si pater)> . . . pro parte testatum et pro parte intestatum'. I have not been able to attach these texts to chapters of the Decretals. If these are fragments of Baldus's Commentary – other manuscripts must be examined – I suspect that the printers excluded them because they too did not know where to place them. Leipzig, Universitätsbibl. 1059 (to Book I) and 1047 (Book II) may contain a different version of his commentary.

Baldus also wrote commentaries of the Sext, Clementines, and De regulis iuris; see Thomas M. Izbicki, *Notes on late medieval jurists, II: Baldus on the Sext* in *Bulletin of Medieval Canon Law, New Series* 4 (1974) 53-54. Izbicki found these works in Vat. lat. 5925 (and the 'Apostillae' to the Clementines, most recently, in Vat. lat. 2295 and Vat. Barb. lat. 1398)²⁸.

Munich, Staatsbibl. Clm 24164, a carefully written Italian text, probably contains the same works (Izbicki did not give incipits for Vat. lat. 5925): De regulis iuris, fol. 1r-27r: 'Vicarius Iesu Christi qui totius ecclesie monarcha omnium Christianorum supremus et unicus patriarcha in monarchia vero imperii dudum est, quod non multum laboravit ad sui iuris dubia decidenda'. Sext, fol. 48v-85r: Rubric: 'Incipit lectura domini Baldi super Sexto'. 'Gratia per papam facta et nondum scripta in solita litterarum forma vel scripta sed non bullata non expirat morte pape'. Clementines, fol. 35r-48r: Rubric: 'Baldus super Clementinis. De constitutionibus'. 'Constitutiones que occultantur non ligant etiam si conditor velit ligare'. The commentaries to the Sext and Clementines are sketchy and not of great juristic interest. Stephan Kuttner noted glosses of Baldus to the Clementines in Vat. Arch. S. Petri A. 38: *The Apostillae of Johannes Andreae on the Clementines* in *Etudes d'histoire du droit canonique dédiées à Gabriel la Bras* (Paris 1965) I 195.

IV. University of Chicago Regenstein Manuscript 6 and the Printed Editions

The *consilia* of the Regenstein manuscript are scattered in books 1, 3, and 5 of the Milanese edition, but, as far as I can determine, only in book 5 of the Brescian-Venetian. Blocks of *consilia* in the Chicago manuscript are printed in the same order in book 5: Chicago (= C) 21-23 = Brescia-Venice (= BV) 71-73; C 25-33 = BV 104-112; C 53-75 = BV 1-26; C 77-78 = BV 74-75; C 89-100 = BV 41-51; C 101-102 = BV 39-40; C 103-115 = BV 52-64; C 123-126 = BV 99-102; C 139-153 = BV 85-98; C 155-157 = BV 34-36; Four *consilia* (C 57, 62, 65, 77 are printed in the Brescian-Venetian (= 5.5, 5.10, 5.17, 5.74) and not in the Milanese (there are *consilia* printed only in the Milanese as well). *Consilia* C 25, 26, 27 are printed as one *consilium* in the Brescian-Venetian, while C 74 is divided into two; *consilia* 89 and 90 of the Chicago manuscript are arranged differently from the Brescian-Venetian edition.

28. *A Catalogue of Canon and Roman Law Manuscripts in the Vatican Library*, compiled by Stephan Kuttner, with the aid of Reinhard Elze (Studi e Testi 322; Città del Vaticano 1986) 190.